

**From:** [Jose Cisneros](#)  
**To:** [MAUPIN, NATALIE](#)  
**Cc:** [Ellens, Newton](#); [Bye, Julie](#); [McNeil, Tammie](#); [Ream, Nicholas](#); [Kenneth Myers](#); [Jose Cisneros](#)  
**Subject:** FW: East Chicago Sanitary District - Response to IDEM's Pretreatment Audit Findings  
**Date:** Friday, October 1, 2021 3:07:25 PM  
**Attachments:** [ATT00001.txt](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

Dear Natalie:

Greetings and hoping all remains well with you, Newton and your colleagues as cc'd.

Also and per your request, please be advised that the purpose of this follow-up communiqué is to provide you with an update relative to the District's efforts to demonstrate full conformance against the 42 non-conformances.

As listed within the succeeding table, the District scheduled the correction of three non-conformances by 9/30/21. In this regard, please note that citations 2.0 and 4.0(b) have been timely completed and as the confirming documentation has been previously forwarded to your attention, requesting that you please advise if any additional documentation is required.

Relative to citation 21.0 and as this specific conformance requirement pertains to Safety Kleen, please be advised that I spoke to Ken Myers regarding this finding (non-issuance of NOVs as due to exceedances found via Self-Monitoring) who suggested that the District and Safety Kleen remain within litigation, as this permittee continues to challenge the District's available cyanide Local Limit. To the extent that the Litigants can soon realize an amicable remedy, please be further advised that the District will then move to address all past due and/or unaccounted for notices of violation. Furthermore, the District will also move to impose internal controls within the District to ensure self-monitoring related violations from this or any other similar permittee are timely issued a notice of violation. In closing, please also note that the District will keep you timely apprised on a monthly basis of progress made and during the interim, I welcome any relevant thoughts or comments that you or your colleagues may have.

Listing of Non-Conformances			Compliance Timeline				
Ct.	Description of Non-Conformance	Citation No.	By 09/30	By 10/31	By 11/30	By 12/31	Earlier? Later? Other? Relevant Comment
District's Assessment of the Various Non-Compliances & Preparation of Written Plan of Action.			Immediately initiated, thoroughly analyzed and completed by 9/13/21				
02	IU Characterization	2.0					Compliance Achieved
Control Mechanisms (CM)			per Natalie Maupin, Pretreatment Compliance Coordinator, IDEM				
13	APSR – TTO Monitoring	4.0(b)					In Compliance
Control Authority Compliance Monitoring (CACM)			per Newton Ellens, Pretreatment Program Manager, USEPA				
36	CACM – Non-Issuance of NOV	21.0					Immediate Action Initiated

Non-Conformance: 2	IU Characterization
<p><b>Issue:</b> Linde Rare Gases and Helium (LRGH) is characterized as an SIU but only discharges non-contact water and averages less than 25,000 GPD.</p> <p><b>Summary Description of Non-Conformance:</b> Linde Inc. – Rare Gases and Helium (Linde) is currently regulated by ECSD as an SIU. However, based on the review of Linde's inspection reports and permit application, the IU only discharges non-contact cooling water to the District, and it usually averages less than 25,000 GPD. Therefore, based on these findings, the District may want to re-evaluate Linde's status as an SIU and potentially consider permitting them as a non-categorical nonsignificant IU.</p> <p><b>Regulatory Citation:</b>  <i>Pursuant to 40 CFR 403.3(t) Significant Industrial User; (1) Except as provided in paragraph (t)(2) of this section, the term Significant Industrial User means: (i) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and (ii) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)). (2) Upon finding that an industrial user meeting the criteria in paragraph (t)(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 103.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.</i></p>	

**District's Conformance Initiative(s):** As consistent with 40 CFR 403.3(t) and as the LRGH's permit was subject to renewal, the District re-evaluated LRGH's wastewater discharge practices (i.e., types, flows, volumes) and decided to re-classify LRGH as a non-significant industrial user.

**Status of Non-Conformance:** Conformance was achieved on 8/2/21

**Supporting Documentation:**

2.0\_LRGH\_Water\_Type\_and Discharge\_Supporting\_Documentation

2.0\_Linde\_Rare\_Gases\_Permit\_Renewal

4.0 (b)	Application of Pretreatment Standards and Requirements: TTO Monitoring
<p><b>Issue:</b> 40 CFR 433 requires Categorical IUs to monitor for all TTOs listed within 40 CFR 433.11.</p> <p><b>Summary Description of Non-Conformance:</b> A footnote below the District and Permittee Monitoring tables in Electric Coating's permit states the only TTOs required to be monitored are methylene chloride, chloroform and naphthalene. The District could not produce a lab analysis report of a full TTO scan or other documentation that only these three TTO pollutants are expected to be present.</p> <p><b>Regulatory Citation:</b> <i>§433.11 Specialized definitions. The definitions set forth in 40 CFR part 401 and the chemical analysis methods set forth in 40 CFR part 136 are both incorporated here by reference. In addition, the following definitions apply to this part:</i> <i>(a) The term "T", as in "Cyanide T", shall mean total.</i> <i>(b) The term "A", as in "Cyanide A", shall mean amenable to alkaline chlorination.</i> <i>(c) The term "job shop" shall mean a facility which owns not more than 50% (annual area basis) of the materials undergoing metal finishing.</i> <i>(d) The term "independent" printed circuit board manufacturer shall mean a facility which manufacturers printed circuit boards principally for sale to other companies.</i> <i>(e) The term "TTO" shall mean total toxic organics, which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxic organics:</i> <i>Acenaphthene, Acrolein, Acrylonitrile, Benzene, Benzidine, Carbon tetrachloride (tetrachloromethane), Chlorobenzene, 1,2,4-Trichlorobenzene, Hexachlorobenzene, 1,2-Dichloroethane, 1,1,1-Trichloroethane, Hexachloroethane, 1,1-Dichloroethane, 1,1,2-Trichloroethane, 1,1,2,2-Tetrachloroethane, Chloroethane, Bis (2-chloroethyl) ether, 2-Chloroethyl vinyl ether (mixed), 2-Chloronaphthalene, 2,4,6-Trichlorophenol, Parachlorometa cresol, Chloroform (trichloromethane), 2-Chlorophenol, 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 3,3-Dichlorobenzidine, 1,1-Dichloroethylene, 1,2-Trans-dichloroethylene, 2,4-Dichlorophenol, 1,2-Dichloropropane, 1,3-Dichloropropylene (1,3-dichloropropene), 2,4-Dimethylpheno, 2,4-Dinitrotoluene, 2,6-Dinitrotoluene, 1,2-Diphenylhydrazine, Ethylbenzene, Fluoranthene, 4-Chlorophenyl phenyl ether, 4-Bromophenyl phenyl ether, Bis (2-chloroisopropyl) ether, Bis (2-chloroethoxy) methane, Methylene chloride (dichloromethane), Methyl chloride (chloromethane), Methyl bromide (bromomethane), Bromoform (tribromomethane), Dichlorobromomethane, Chlorodibromomethane, Hexachlorobutadiene, Hexachlorocyclopentadiene, Isophorone, Naphthalene, Nitrobenzene, 2-Nitrophenol, 4-Nitrophenol, 2,4-Dinitrophenol, 4,6-Dinitro-o-cresol, N-nitrosodimethylamine, N-nitrosodiphenylamine, N-nitrosodi-n-propylamine, Pentachlorophenol, Phenol, Bis (2-ethylhexyl) phthalate, Butyl benzyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Diethyl phthalate, Dimethyl phthalate, 1,2-Benzanthracene, (benzo(a)anthracene), Benzo(a)pyrene (3,4-benzopyrene), 3,4-Benzofluoranthene (benzo(b)fluoranthene), 11,12-Benzofluoranthene (benzo(k)fluoranthene), Chrysene, Acenaphthylene, Anthracene, 1,12-Benzoperylene (benzo(ghi)perylene), Fluorene, Phenanthrene, 1,2,5,6-Dibenzanthracene (dibenzo(a,h)anthracene), Indeno(1,2,3-cd) pyrene (2,3-o-phenylene pyrene), Pyrene, Tetrachloroethylene, Toluene, Trichloroethylene, Vinyl chloride (chloroethylene), Aldrin, Dieldrin, Chlordane (technical mixture and metabolites), 4,4-DDT, 4,4-DDE (p,p-DDX), 4,4-DDD (p,p-TDE), Alpha-endosulfan, Beta-endosulfan, Endosulfan sulfate, Endrin, Endrin aldehyde, Heptachlor, Heptachlor epoxide, (BHC-hexachloro-cyclohexane), Alpha-BHC, Beta-BHC, Gamma-BHC, Delta-BHC, (PCB-polychlorinated biphenyls), PCB-1242 (Arochlor 1242), PCB-1254 (Arochlor 1254), PCB-1221 (Arochlor 1221), PCB-1232 (Arochlor 1232), PCB-1248 (Arochlor 1248), PCB-1260 (Arochlor 1260), PCB-1016 (Arochlor 1016), Toxaphene, 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)</i> <b>Non-Conformance Related Rebuttal:</b> As noted within the supporting document, the District clearly addresses 1) the National Categorical Pretreatment Standards as established by 40 CFR 433 Metal Finishing point source category, as this Effluent Limitation is clearly identified within Electric Coating's permit, 2) the footnote as labeled [2] makes specific reference to chloride, chloroform and naphthalene and the summation of these parameters within the Categorical Limitations as the District further suggests relative to the listed categorical limitations that 3) this specific list of contaminants shall not relieve the permittee of its responsibility to comply with all other specific pollutants as listed in the Ordinance 13.13.3.02.3. The District requires complete compliance with the Sewer User Ordinance and compliance will all local limitations.</p> <p>In addition and in response to the District's inability to produce a lab analysis report of the full TTO scan as requested by IDEM during the audit, please be advised that the District does in fact conduct and can further demonstrate a lab analysis (see listing of supporting documents) of the TTOs which are footnoted to the Categorical Limitations table. Furthermore and according to 40 CFR 433.11(e), the term "TTO" shall mean total toxic organics, which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxic organics (as listed above). As the District interprets 40 CFR 433.11(e), the operative phrasing is "which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxics..." the District has determined that the relevant addends are methylene chloride, chloroform and naphthalene.</p> <p><b>District's Conformance Initiative:</b> As consistent with the applicable regulation and unless otherwise directed by IDEM, the District considers current TTO monitoring practices to be in conformance.</p>	

**Supporting Documentation:**

4.0(b)\_TTO\_Monitoring

4.0(b)\_TTO\_Monitoring\_Lab\_Report

21.0	Control Authority Compliance Monitoring: Non-Issuance of Notice of Violation																				
<b>Issue:</b> ECSD did not issue Notices of Violation to Safety Kleen for exceedances found through self-monitoring.																					
<b>Summary Description of Non-Conformance:</b> Below is a list of self-reported exceedances:																					
<table><tr><th>Report Date</th><th>Sample Date</th><th>Pollutant Parameter</th><th>Pretreatment Limit (mg/L)</th><th>Analytical Result (mg/L)</th></tr><tr><td>06/17/20</td><td>05/29/20</td><td>Available cyanide</td><td>0.019</td><td>0.330</td></tr><tr><td>06/12/20</td><td>06/10/20</td><td>Available cyanide</td><td>0.019</td><td>0.810</td></tr><tr><td>06/09/20</td><td>05/29/20</td><td>Available cyanide</td><td>0.019</td><td>0.330</td></tr></table>		Report Date	Sample Date	Pollutant Parameter	Pretreatment Limit (mg/L)	Analytical Result (mg/L)	06/17/20	05/29/20	Available cyanide	0.019	0.330	06/12/20	06/10/20	Available cyanide	0.019	0.810	06/09/20	05/29/20	Available cyanide	0.019	0.330
Report Date	Sample Date	Pollutant Parameter	Pretreatment Limit (mg/L)	Analytical Result (mg/L)																	
06/17/20	05/29/20	Available cyanide	0.019	0.330																	
06/12/20	06/10/20	Available cyanide	0.019	0.810																	
06/09/20	05/29/20	Available cyanide	0.019	0.330																	
<b>Regulatory Citation:</b> 40 CFR §403.8(f)(5), Statement of applicable civil and criminal penalties for violation of <u>Pretreatment Standards and requirements</u> , and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;																					
<b>Achievement of Continued Conformance:</b> The District regrettably neglected to review the permittee’s self-monitoring reports during the period of investigation and subsequently issue as applicable, the required notice(s) of violation. Furthermore and as previously suggested within the District’s response to 5.2(a), the recent hiring of the new Pre-Treatment Coordinator, whose demonstrated drive to re-establish a renewed and continued vigor towards achieving full conformance to the various Pretreatment compliance requirements, which further includes timely reviewing self-monitoring reports as submitted by this and any other categorical permittee has become his mandate.																					
<b>District’s Conformance Initiative:</b> Effective immediately and by no later than 10/31/21, the District has initiated action to timely review and as deem applicable, initiate action to issue the notice of violation for any self-monitored and reported exceedances.																					

Kind Regards,

*Jose Cisneros*

Pretreatment Coordinator

East Chicago Sanitary District Wastewater

5201 Indianapolis Blvd.

East Chicago, IN 46312

O: (219)516-2317

F: (219)391-8254



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**From:** Jose Cisneros

**Sent:** Friday, September 17, 2021 1:44 PM

**To:** 'MAUPIN, NATALIE'

**Cc:** Ellens, Newton (ellens.newton@epa.gov); Bye, Julie; McNeil, Tammie; Ream, Nicholas; Kenneth Myers; Jose Cisneros

**Subject:** RE: East Chicago Sanitary District Pretreatment Audit Findings

Dear Natalie:

As attached, please find the East Chicago Sanitation District (IN0022829) response to IDEM's and USEPA's findings as associated to the recent audit of the District's Pretreatment operation. Please also note as due to email transmission related constraints that I will be sending additional emails which will include all supporting documentation. In closing, thank you once again for your special consideration of the District's submission extension request and as I will remain attentive to timely responding to any relevant inquiries that you and/or your colleagues may have, please also note as detailed within the Compliance Schedule that I will keep you timely updated relative to the District's conformance to the various compliance requirements.

Respectfully Yours,

*Jose Cisneros*

Pretreatment Coordinator  
East Chicago Sanitary District Wastewater  
5201 Indianapolis Blvd.  
East Chicago, IN 46312  
O: (219)516-2317  
F: (219)391-8254



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**From:** MAUPIN, NATALIE [mailto:NMAUPIN@idem.IN.gov]  
**Sent:** Tuesday, July 20, 2021 9:18 AM  
**To:** Jose Cisneros  
**Cc:** Kenneth Myers; Bye, Julie; McNeil, Tammie; Ream, Nicholas; Ellens, Newton (ellens.newton@epa.gov); acopeland@eastchicago.com  
**Subject:** RE: East Chicago Sanitary District Pretreatment Audit Findings

Jose,

Your request for an additional 30 days to respond to the inspection summary/violation is approved. I will expect your response by no later than Monday, September 13, 2021.

Thank you,  
Natalie

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**From:** Jose Cisneros <jcisneros@eastchicago.com>  
**Sent:** Tuesday, July 20, 2021 10:10 AM  
**To:** MAUPIN, NATALIE <NMAUPIN@idem.IN.gov>  
**Cc:** Kenneth Myers <kmyers@eastchicago.com>; Bye, Julie <JBYE@idem.IN.gov>; McNeil, Tammie <tmcneil@idem.IN.gov>; Ream, Nicholas <NREAM@idem.IN.gov>; Ellens, Newton (ellens.newton@epa.gov) <ellens.newton@epa.gov>; acopeland@eastchicago.com  
**Subject:** RE: East Chicago Sanitary District Pretreatment Audit Findings

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Dear Natalie:

Good Morning to You.

Thank you again for timely returning my call and per our conversation, I respectfully submit for your special consideration, the

District's request for an additional 30 days or a total of 60 calendar days to fully assess and respond to the Inspection Summary/Violation Letter. The additional time will serve to further enable the District to more comprehensively assess and implement a course of action which will address the various non-conformances as listed within the Inspection Summary/Violation Letter (hereafter, "Letter"). Furthermore and within 30 calendar days from the date of the Letter, the District will provide a detailed explanation which further documents a timeline relative to bringing into conformance, the various non-compliances as listed within Attachments I and II. Thank you again for your special consideration of the District's request for a time extension and should you require additional clarification, please be advised that I remain attentive to receiving the same.

Respectfully Yours,

*Jose Cisneros*

Pretreatment Coordinator  
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East Chicago, IN 46312  
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**From:** MAUPIN, NATALIE [<mailto:NMAUPIN@idem.IN.gov>]

**Sent:** Tuesday, July 13, 2021 2:32 PM

**To:** Kenneth Myers

**Cc:** Bye, Julie; McNeil, Tammie; Ream, Nicholas; Ellens, Newton ([ellens.newton@epa.gov](mailto:ellens.newton@epa.gov)); Jose Cisneros; [acopeland@eastchicago.com](mailto:acopeland@eastchicago.com)

**Subject:** East Chicago Sanitary District Pretreatment Audit Findings

The attached document includes the findings of a recent pretreatment program audit conducted by IDEM and U.S. EPA staff. Please be sure these documents are reviewed by the appropriate individuals. If the letter requires a response, we encourage you to respond via email by sending your response to [nmaupin@idem.in.gov](mailto:nmaupin@idem.in.gov). Thank you.

Gary Starks, Chief  
Compliance Data Section

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